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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/955,142

09/19/2001

Eiji Kasutani

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8365

22428

7590

03/08/2006

FOLEY AND LARDNER LLP  
SUITE 500  
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WASHINGTON, DC 20007

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/955,142	KASUTANI, EIJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mishawn N. Dunn	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

The previous action inadvertently belonged to another case. This action is the correct one. The period for response is restated with the mailing of this action. The Office regrets any inconvenience to the Applicant.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hori et al. (US Pat. No. 6,795,127).

3. Consider claims 1 and 3. Hori et al. teaches an image retrieving apparatus for retrieving a video segment similar to a predetermined query video out of subject videos

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for retrieval, comprising: a frame feature vector extracting means for extracting a feature vector of at least a part of frames included in said subject videos for retrieval, and for outputting said extracted one as a frame feature vector (col. 6, lines 3-6); a frame feature vector storing means for storing the frame feature vector outputted by said frame feature vector extracting means (col. 6, lines 3-12); a video feature vector extracting means for extracting a feature vector of said query video and for outputting said extracted one as a video feature vector (col. 6, lines 46-59); a similarity calculating means for comparing the frame feature vector stored in said frame feature vector storing means with the video feature vector outputted by said video feature vector extracting means to thereby calculate a similarity of both vectors (col. 7, lines 46 – col. 8, line 32; fig. 5); a frame feature vector integrating means for integrating frame feature vectors out of those stored in said frame feature vector storing means that satisfy a predetermined condition on similarity into at least one group (col. 8, lines 35-41; fig. 6); and, a similar video selecting means for selecting at least one frame feature vector of a highest similarity out of the group integrated by said frame feature vector integrating means (col. 8, lines 19-26), whereby videos having the frame feature vector that is selected by said similar video selecting means is presented as a result of retrieval (col. 8, lines 42-47).

4. Consider claims 2 and 4. Hori et al. teaches the image retrieving apparatus, wherein said frame feature vector integrating means comprises: a frame feature vector selecting means for selecting a frame feature vector of a similarity that is calculated by said similarity calculating means and is higher than a predetermined threshold value,

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out of frame feature vectors stored in said frame feature vector storing means (col. 7, line 66 – col. 8, line 10); and a similar segment generating means for integrating frame feature vectors that are continuous in time, out of the frame feature vectors selected by said frame feature vector selecting means, into one group and for outputting the integrated group (col. 10, lines 20-27; fig. 10).

5. Method claims 9-12 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al. (US Pat. No. 6,795,127) in view of Delp (US Pat. No. 5,949,904).

8. Consider claim 5-8. Hori et al. discloses all of the claimed limitations as stated above, except said frame feature vector extracting means generates a resized image for at least a part of frames included in said subject videos for retrieval, and extracts a frame feature vector by applying a frequency conversion and a quantizing processing to said resized image.

However, Delp teaches generating a resized image for retrieval and extracting a frame feature vector by applying a frequency conversion and a quantizing processing to the resized image (col. 3, lines 9-23; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Hori et al. by applying a frequency conversion and a quantizing processing to the resized image, in order to minimize time for completion of retrieval of an image.

9. Consider claims 17-21. Hori et al. teaches a recording medium, wherein a program permitting a computer to implement an image retrieving method is written therein (col. 11, lines 9-18). Delp also discloses a recording medium, wherein a program permitting a computer to implement a image retrieving method is written therein (col. 6, line 65 – col. 7, line 15; fig. 10).

10. Method claims 13-16 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US Pat. No. 6,816,551
- b. US Pat. No. 6,195,497
- c. US Pat. No. 6,983,420

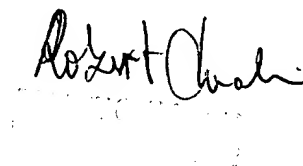
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn  
January 21, 2006

A handwritten signature in black ink, appearing to read "Robert Chah", is written over a faint, illegible stamp.